

June 21, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-40737  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TROY DIONNE CANADY,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 4:02-CR-84-ALL

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Before JONES, BENAVIDES and CLEMENT, Circuit Judges.

PER CURIAM:\*

Private counsel appointed to represent Troy Dionne Canady has requested leave to withdraw and has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967). Canady has filed a response to the instant motion alleging ineffective assistance of trial counsel. Canady's argument is not cognizable in the instant appeal. See United States v. Higdon, 832 F.2d 312, 313-14 (5th Cir. 1987).

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\*Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Our independent review of the brief, the response, and the record discloses no nonfrivolous issue for appeal. Counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities, and the appeal is DISMISSED. See 5TH CIR. R. 42.2.

**MOTION GRANTED; APPEAL DISMISSED.**